

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**SPECTRUM JUVENILE JUSTICE
SERVICES, INC., an affiliate of
SPECTRUM HUMAN SERVICES, INC.**

and

Case 07-CA-155494

TAMIKA KELLEY

and

**Cases 07-CA-160719
07-CA-160938**

**COUNCIL 25, AMERICAN FEDERATION
OF STATE, COUNTY & MUNICIPAL
EMPLOYEES (AFSCME), AFL-CIO**

ORDER¹

The Employer's petition to revoke subpoenas duces tecum B-1-PCH8L3, B-1-PCH0I9, and B-1-PCHFJX is denied. The subpoenas seek information relevant to the matters under investigation and describe with sufficient particularity the evidence sought, as required by Section 11(1) of the Act and Section 102.31(b) of the Board's Rules and Regulations. Further, the Employer has failed to establish any other legal basis for revoking the subpoenas.² See generally, *NLRB v. North Bay Plumbing, Inc.*,

¹ The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

² The Employer asserts that it does not object to the production of the documents requested in par. 2 of the subpoenas "to the extent that they exist." The subpoenas cannot compel the Employer to produce documents that it does not possess. However, the subpoenas do compel the Employer to conduct a thorough search for the requested information. If the information is found, it must be produced. If the information cannot be found, the Employer must affirmatively represent to the Region that no responsive documents exist.

102 F.3d 1005 (9th Cir. 1996); *NLRB v. Carolina Food Processors, Inc.*, 81 F.3d 507 (4th Cir. 1996).

Dated, Washington, D.C., February 10, 2016.

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
LAUREN McFERRAN,	MEMBER